IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 644 OF 2002

IN

SUMMARY SUIT NO. 6463 OF 1999

Vinaychandra S. Dongre .. Plaintiff

versus

Gondhlekar Hospital Pvt.Ltd. & Anr. .. Defendants

...

Mr.Pratik Sancheti i/b Sunil & Co. for the plaintiff.

Mr.Deepak Chitnis i/b Chitnis Vaithy for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 9th March 2005.

P.C.:

1. Heard the learned counsel for the parties.

2. After perusing the affidavit in support, affidavit in reply and affidavit in rejoinder and sur-rejoinder, I am satisfied that the case involves

disputed questions of fact. The defence raised by the defendant no.2 cannot be said to be illusory or moonshine. Triable issues arise in this suit. Hence, the defendants are granted unconditional leave to defend the suit. However, hearing of the suit is expedited.

3. Suit shall stand transferred to the list of commercial causes. The defendant to file written statement within a period of one month.

D.G. KARNIK, J